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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/064,707 | 08/08/2002 | Masahiro Hasebe | 086142-0532 | 1883 |

22428 7590 11/23/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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| EXAMINER |
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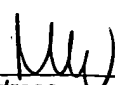
ROSENBERG, LAURA B

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| ART UNIT | PAPER NUMBER |
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3616

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|---|
| Office Action Summary | Application No. 10/064,707 | Applicant(s) HASEBE, MASAHIRO | |
| | Examiner Laura B Rosenberg | Art Unit 3616 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 June 2004 and 30 August 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Onishi et al. (5,358,273). In regards to claim 11, Onishi et al. disclose a passenger-side air bag (best seen in figures 4, 14) comprising a front section (right side of air bag in figure 4) including a pair of front panels (#2, portion of #1 including #6) forming an exterior surface positioned to face a torso of a passenger when the air bag deploys (best seen in figure 14), wherein one of the pair of front panels includes a rearward extending section (#4) located inside the air bag and connecting the front section to a rear section (#1 not including #6), wherein the rear section includes a rear panel (#1 not including #6) and a mid panel (#5), the mid panel being connected to the rearward extending

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section (at #2b) and the rear panel (via #1b), and wherein a seam (at #2d) joining the pair of front panels is located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figure 4), and wherein the rearward extending section (#4) and the mid panel (#5) divide the air bag into upper and lower chambers (portion above #4 is upper chamber and portion below #4 is lower chamber), and the rearward extending section includes an opening for allowing gas to pass between the chambers (#4 is a strap, thus allowing air flow on either side of the strap).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onishi et al. (5,358,273). In regards to claim 8, Onishi et al. disclose a passenger-side air bag (best seen in figures 4, 14) comprising a front section (right side of air bag in figure 4) including a pair of front panels (#2, portion of #1 including #6) forming an exterior surface positioned to face a torso of a passenger when the air bag deploys (best seen in figure 14), wherein one of the pair of front panels includes a rearward extending section (#4) located inside the air bag and connecting the front section to a rear section (#1 not including #6) and a seam (at #2d) joining the pair of front panels is

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located away from the exterior surface so that the seam cannot contact the passenger when the air bag deploys (best seen in figure 4). Onishi et al. do not disclose that the rearward extending section (#4) is integral to the front panel. It would have been obvious to one skilled in the art at the time that the invention was made to modify the rearward extending section of Onishi et al. such that it was integral to one of the pair of front panels as claimed since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Further, the integral structure would make for easier manufacturing of the air bag since fewer parts would be involved in the manufacturing process.

In regards to claim 9, Onishi et al. disclose the rear section including a rear panel (#1 not including #6) and a mid panel (#5), the mid panel being connected to the rearward extending section (at #2b) and the rear panel (via #1b).

In regards to claim 10, Onishi et al. disclose the mid panel (#5) including a gas inlet opening for receiving pressurized gas from a gas generator (#11; #5 is a strap, thus allowing air flow on either side of the strap).

In regards to claim 12, Onishi et al. disclose the front and rear sections of the air bag being connected together at a connecting seam that is positioned away from an exterior of the air bag so that the connecting seam cannot contact the passenger when the air bag deploys (all connecting seams positioned away from the exterior as can be seen in figure 4).

Allowable Subject Matter

6. Claims 2-7 are allowed.
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Response to Arguments

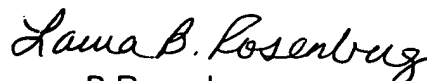
7. Applicant's arguments filed 30 August 2004 have been fully considered but they are not persuasive. As the applicant has pointed out on pages 5-6, one panel (#2) clearly faces the torso of a passenger when deployed, and another panel (portion of #1 including #6) clearly faces a groin (and lower abdomen) area of the passenger when deployed. Since the groin and lower abdomen area is included in the torso region, the rejection based on the Onishi et al. reference is appropriate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600